

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 GEOFFREY S. ALLEN, State Bar No. 193338
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 324-5341
6 Facsimile: (916) 327-8643

7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-146

13 **DIANA LORRAINE LARSEN**

A C C U S A T I O N

14 PO Box 1285

14 Colusa, CA 95932

15 Registered Nurse License No. 545628

Public Health Nurse License No. 61401

16 Nurse Practitioner License No. 12902

Nurse Practitioner Furnishing License No. 12902

17 Respondent.

18
19
20 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

21 **PARTIES**

22 1. Complainant brings this Accusation solely in her official capacity as the
23 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
24 Affairs.

25 **Registered Nurse License**

26 2. On or about July 21, 1998, the Board issued Registered Nurse License
27 Number 545628 to Diana Lorraine Larsen ("Respondent"). The license will expire on
28 April 30, 2010, unless renewed.

1 **Public Health Nurse License No. 61401**

2 3. On or about November 1, 1999, the Board issued Public Health Nurse
3 License No. 61401 to Respondent. The license will expire on April 30, 2010, unless renewed.

4 **Nurse Practitioner License No. 12902**

5 4. On or about September 6, 2001, the Board issued Nurse Practitioner
6 License No. 12902 to Respondent. The license will expire on April 30, 2010, unless renewed.

7 **Nurse Practitioner Furnishing License No. 12902**

8 5. On or about November 22, 2002, the Board issued Nurse Practitioner
9 Furnishing License No. 12902 to Respondent. The license expired on April 30, 2008, and has
10 not been renewed.

11 **STATUTORY PROVISIONS**

12 6. Business and Professions Code ("Code") section 2750 provides, in
13 pertinent part, that the Board may discipline any licensee, including a licensee holding a
14 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
15 2750) of the Nursing Practice Act.

16 7. Code section 2761 states, in part:

17 "The board may take disciplinary action against a certified or licensed nurse or
18 deny an application for a certificate or license for any of the following:

19 (a) Unprofessional conduct, which includes, but is not limited to, the following:

20 (1) Incompetence, or gross negligence in carrying out usual certified or licensed
21 nursing functions."

22 **REGULATORY PROVISIONS**

23 8. California Code of Regulations, title 16, section 1442, states:

24 As used in Section 2761 of the code, 'gross negligence' includes an
25 extreme departure from the standard of care which, under similar circumstances,
26 would have ordinarily been exercised by a competent registered nurse. Such an
27 extreme departure means the repeated failure to provide nursing care as required
28 or failure to provide care or to exercise ordinary precaution in a single situation
which the nurse knew, or should have known, could have jeopardized the client's
health or life.

28 ///

9. California Code of Regulations, title 16, section 1443, states:

As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

COST RECOVERY

10. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

BACKGROUND INFORMATION

11. During March 2006, Respondent was employed as a nurse practitioner at Mid Valley Medical Group, located in Colusa, California. Respondent's 15-year-old daughter, S.L., arranged for her 15-year-old school friend, V.H., to obtain birth control from Respondent, and on March 16, 2006, Respondent met V.H. in the parking lot of her high school. V.H. sat in the front seat of Respondent's vehicle while Respondent gave V.H. an injection of Depo Provera in her hip.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

12. Respondent is subject to discipline under Code section 2761(a)(1), on the grounds of unprofessional conduct, in that while employed as a nurse practitioner at Mid Valley Medical Group, located in Colusa, California, Respondent was guilty of gross negligence in the following respects:

a. Respondent failed to discuss, counsel, or educate V.H. regarding sex education, the side effects of Depo Provera, sexually transmitted disease prevention, and contra-indications for the medication prior to the administration of the Depo Provera injection.

b. Respondent failed to complete a physical examination, including a pap smear and pregnancy test, prior to the administration of the Depo Provera injection.

///

1 c. Respondent failed to obtain V.H.'s personal and family health history,
2 including allergies to any medications, prior to the administration of the Depo Provera injection.

3 d. Respondent failed to obtain completed and/or signed paperwork prior to
4 the administration of the Depo Provera injection.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Incompetence)**

7 13. Respondent is subject to discipline under Code section 2761(a), on the
8 grounds of unprofessional conduct as defined in Code section 2761(a)(1), in that while employed
9 as a nurse practitioner at Mid Valley Medical Group, located in Colusa, California, Respondent
10 was guilty of incompetence, as more particularly set forth above in paragraph 12.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct)**

13 14. Respondent is subject to discipline under Code section 2761(a), on the
14 grounds of unprofessional conduct, in that while employed as a nurse practitioner at Mid Valley
15 Medical Group, located in Colusa, California, Respondent was guilty of unprofessional conduct,
16 as more particularly set forth above in paragraph 12.

17 **PRAYER**

18 **WHEREFORE**, Complainant requests that a hearing be held on the matters
19 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

20 1. Revoking or suspending Registered Nurse License Number 545628, issued
21 to Diana Lorraine Larsen;

22 2. Revoking or suspending Public Health Nurse License Number 61401,
23 issued to Diana Lorraine Larsen;

24 3. Revoking or suspending Nurse Practitioner License Number 12902, issued
25 to Diana Lorraine Larsen;

26 4. Revoking or suspending Nurse Practitioner Furnishing License
27 Number 12902, issued to Diana Lorraine Larsen;

28 ///

5. Ordering Diana Lorraine Larsen to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

6. Taking such other and further action as deemed necessary and proper.

DATED: 12/24/08

Ruth Ann Terry
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SA2007102833

Accusation (kdg) 9/23/08